

## PROPOSED TEMPORARY RULES

**Note from the Codifier:** The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.

For questions, you may contact the Office of Administrative Hearings at 919.431.3000 or email [oah.postmaster@oah.nc.gov](mailto:oah.postmaster@oah.nc.gov).

### TITLE 07 – DEPARTMENT OF CULTURAL RESOURCES

**Rulemaking Agency:** Department of Cultural Resources

**Codifier of Rules** received this rule as an emergency rule and received for publication the following notice and proposed temporary rule on November 29, 2012. The Codifier of Rules determined findings of need does not meet the criteria for emergency rulemaking. The agency filed the rule over the objection and the emergency rule is effective December 10, 2012.

**Rule Citations:** 07 NCAC 04N .0202

**Public Hearing:**

**Date:** December 12, 2012

**Time:** 10:00 a.m.

**Location:** Dobbs Building Room 2172A-2, 430 N Salisbury Street, Raleigh, NC 27601

**Reason:** The effective date of a recent act of the General Assembly: S.L. 2012-142 Section 27.6 (a) and (b) refers to the provisions of Session Law 2011-145 remaining in effect Session Law 2012-142 <http://www.ncleg.net/Sessions/2011/Bills/House/PDF/H950v7.pdf> 2012-13 Conference Report on the Continuation, Capital and Expansion Budgets [http://www.ncleg.net/sessions/2011/budget/2012/Conference Committee Report 2012-06-20.pdf](http://www.ncleg.net/sessions/2011/budget/2012/Conference%20Committee%20Report%202012-06-20.pdf), effective Date July 1, 2012. The purpose of this emergency rule is to increase an admission fee to the North Carolina Transportation Museum, which is an enterprise fund. An enterprise fund is a fund that provides goods or services to the public for a fee that makes the entity self-supporting. Session Law 2011-145 Section 21.1 established the North Carolina Transportation Museum special fund (enterprise fund), which is used to pay costs associated with the operation and maintenance of the Transportation Museum. All receipts derived from admissions and fees are credited to the fund. Notwithstanding the creation of the special fund, the Legislature has continued to appropriate funds to the Transportation Museum. Those funds, however, have varied in amounts. The Department did not have control over how much was actually appropriated for the Museum and it was difficult to predict how much the appropriation would be. The Legislature appropriated \$576,285 (a \$576,285 or 50 percent cut in appropriation) to the Museum in fiscal year 2012. In fiscal year 2013, the Museum is receiving a \$300,000 recurring appropriation (an \$852,570 or 74 percent cut in appropriation) effective with Session Law 2012-142.

A fee increase, therefore, is necessary to maintain current positions and operation levels at the Museum. The Department must balance the reduced recurring annual appropriation against an admission fee capable of sustaining visitation and maximizing accessibility, attractions, and services to the public. To decrease the impact to the public, the Department has sought to avoid a drastic increase in entrance fees. Rather, the Department is seeking to increase revenue at the site, through special events and by leasing some of its property. That lease has taken months to go through the State approval process and is awaiting approval.

**Comment Procedures:** Comments from the public shall be directed to: Keith Hardison, 4620 Mail Service Center, Raleigh, NC 27699-4620, phone (919)733-7862 Ext. 225. The comment period begins December 07, 2012 and ends January 3, 2013.

### CHAPTER 04 - DIVISION OF ARCHIVES AND HISTORY

#### SUBCHAPTER 04N – HISTORIC SITES REGULATIONS

#### SECTION .0200 - SITE HOURS: ADMISSION FEES

##### 07 NCAC 04N .0202 STATE HISTORIC SITES FEES

(a) The following sites do not charge an admission fee:

- (1) Alamance Battleground,
- (2) Aycock Birthplace,
- (3) Bennett Place,
- (4) Bentonville Battleground,
- (5) Brunswick Town,
- (6) Caswell-Neuse,
- (7) Duke Homestead,
- (8) Fort Dobbs,
- (9) Fort Fisher,
- (10) Historic Halifax,
- (11) House in the Horseshoe,
- (12) Polk Memorial,

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- (13) Reed Gold Mine,
- (14) Somerset Place,
- (15) Town Creek Indian Mound,
- (16) Vance Birthplace,
- (17) Charlotte Hawkins Brown Memorial,
- (18) Horne Creek Living History Farm.

(b) The following site charges an admission fee of five dollars (\$5.00) for adults, two dollars (\$2.00) for children, and one half off the regular admission price for groups of ten or more: Thomas Wolfe Memorial.

(c) The following site charges an admission fee of one dollar (\$1.00) for adults, twenty-five cents (\$0.25) for children: James Iredell House.

(d) The following site charges an admission fee of two dollars (\$2.00) for adults, one dollar (\$1.00) for children and one half off the regular admission price for groups of ten or more to each historic structure:

- (1) Historic Bath, Bonner House;
- (2) Historic Bath, Palmer-Marsh House.

(e) The following site charges an admission fee of three dollars (\$3.00) for adults, one dollar and fifty cents (\$1.50) for students, two dollars (\$2.00) for senior citizens, and fifty cents (\$0.50) off the regular admission price for groups of ten or more: Elizabeth II.

(f) The North Carolina Transportation Museum at Spencer charges admission fees as follows:

- (1) General Admission: ~~Five dollars (\$5.00)~~ Six dollars (\$6.00) for adults; ~~four dollars (\$4.00)~~ five dollars (\$5.00) for seniors and active military; ~~three dollars (\$3.00)~~ four dollars (\$4.00) for students (ages 3 to 12); and free for children (ages 0 to 2).
- (2) Group Admission (15 or more visitors): ~~Four dollars (\$4.00)~~ Five dollars (\$5.00) for adults; ~~three dollars and fifty cents (\$3.50)~~ four dollars and fifty cents (\$4.50) for seniors and active military; ~~one dollar and fifty cents (\$1.50)~~ two dollars and fifty cents (\$2.50) for students (ages 3 to 12); and free for children (ages 0 to 2).

(g) The following site charges a gold panning fee of three dollars (\$3.00) per person and two dollars (\$2.00) for groups of ten or more: Reed Gold Mine.

*Authority G.S. 121-4(8); 121-4(9).*